

At page 8 of the Official Action, Claims 1 - 5 and 8 - 20 have been provisionally rejected under 35 U.S.C. Section 101 based upon the "same invention" double-patenting with regard to Claims 1 - 4, 9, 11 and 20 of co-pending Serial No. 10/502,018. This double patenting rejection is provisional since none of the alleged conflicting claims have yet been patented. Accordingly, no action by Applicant in response to this double-patenting rejection is required at this time. In any event, Applicant respectfully notes his disagreement with the "same invention" type double patenting rejection because independent Claims 1, as currently pending in the pending application, recites "...a secondary key (20) located at said intended destination", while independent Claim 1 of Serial No. 10/502,018, as currently pending, recites that the secondary key is "stationarily disposed" which is not the same as "located at said intended destination". Therefore, at most, an "obvious-type" double patenting rejection, which can be obviated by the filing of a Terminal Disclaimer, might be appropriate.

At page 2 of the Official Action, Claims 1 - 5 and 8 - 20 have been rejected under 35 U.S.C. Section 103(a) as being obvious over a combination of U.S. Patent No. 5,705,991 (Kniffin et al) in view of U.S. Patent No. 4,884,507 (Levy) and in further view of U.S. Patent No. 4,567,741 (Trempala).

At page 7 of the Official Action, Claims 6 and 7 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable in

view of a combination of the three aforementioned references in further view of U.S. Patent No. 6,538,557 (Giessler).

For the reasons to be discussed below, Applicant respectfully submits that the claims of the present application define patentable subject matter over the prior art applied in the Official Action, and requests that the prior art rejection of the claims be reconsidered and withdrawn. For purposes of simplifying the issues, the prior art rejections will be discussed with respect to only independent Claim 1. If this claim is allowable, the remaining dependent claims are allowable, at least for the same reasons as parent independent Claim 1.

Independent method Claim 1 recites a method for transporting an alarmed container, the container including means for destroying the contents therein in which said means for destroying is deactivated by providing a complete code set during the opening of the container. A first portion of the complete code set is provided by a first key which is movable with the container, while the second portion of the complete code set, which is necessary to complete the code set, is located at the intended destination where the container is to be opened. The first portion of the code set provided by the first key, and the second portion of the complete code set provided by the second key, must be simultaneously inputted to the container to deactivate the means for destroying the contents within the

container to permit the container to be opened without destroying the contents therein.

It is thus apparent that the method defined by independent Claim 1 includes several separate and significant steps to be performed to practice the claimed method. As will now be shown, a combination of the prior art references applied to reject the claims selectively combines only certain features of each of the references to improperly reconstruct independent Claim 1 using Applicant's own disclosure as a guide for the selective combination. Thus, there is clearly no suggestion or motivation in the prior art itself, or within the knowledge of a person skilled in the relevant art, to make the combination of references proposed in the Official Action to reject independent Claim 1.

The Kniffin et al patent has been applied as disclosing use of first and second keys to access the contents of a truck. The Official Action suggests that the Kniffin et al patent implicitly employs both a person carrying a primary key, and an intended destination key which supplies the authorized location of the scheduled stop of the container. (Page 3, lines 1 - 9 of Official Action). Applicant respectfully disagrees with the Examiner's conclusion relating to the Kniffin et al patent. This patent discloses a system by which the delivery of the contents within a truck is monitored. The security entry system disclosed by this patent is intended to verify different stops of the truck which

are both authorized, and in proper sequence. This is accomplished by a system in which a security code is entered each time the truck reaches its delivery destination to verify 1). that the truck is at an authorized delivery destination, and 2). that the delivery destination is in a proper predetermined sequence.

When the truck arrives at a delivery destination, a security code is transmitted by radio waves from the destination to a clearinghouse, and an authorization signal from the clearinghouse is generated if the truck is at an authorized delivery destination in the proper sequence. Therefore Kniffen et al employs only an intended destination key, but does not require that the delivery person carry a separate key which coacts with the destination key.

Moreover, assuming arguendo that Kniffen et al teaches a system requiring the use of first and second keys, (a proposition with which Applicant disagrees), Kniffen et al nonetheless does not teach or suggest that the first and second keys must be used simultaneously to properly deactivate the alarm system. As noted, Kniffen et al discloses a system requiring several different consecutive sets of steps to deactivate an alarm. These steps include generating a signal from the delivery location and transmitting it to a clearinghouse for verification, and generating a verification signal at the clearinghouse to gain access to the contents of the truck.

Thus, Kniffen et al teaches against simultaneous use of both the first and second keys to properly deactivate an alarm system to permit authorized access to the contents of a container, as is expressly disclosed and claimed by Applicant. Assuming arguendo that Kniffen et al patent implicitly discloses use of both a carrier transported first key and a second key disposed at the intended destination, there is clearly no teaching or suggestion that the keys are to be used simultaneously. In fact, the Examiner concedes that Kniffen et al does not disclose simultaneous co-action between primary and secondary keys for de-activating a container. (See page 4, penultimate paragraph of the Official Action dated December 12, 2007.

The Official Action dated December 12, 2007 also concedes that Kniffen et al does not disclose means for destroying the contents of a container unless the container is de-activated by the correct code and simultaneous co-action between a primary and secondary key for de-activating the container. (See page 4, first full paragraph of the Official Action dated December 12, 2007).

Accordingly, Kniffen et al, by the Examiner's own admission, does not teach two significant features of Applicant's method as expressly recited in independent Claim 1.

Kniffen et al has been combined with the Levy patent, which has been cited as teaching means for destroying the content of a security container in response to an attempt to obtain

unauthorized access to the contents of the container. However, Levy does not teach or suggest several other significant features of Applicant's claimed method, including co-action between primary and secondary keys, each of which providing a part of a total access code, for de-activating the means for destroying the contents within the container prior to opening the container. The Official Action concedes this point at page 4, penultimate paragraph.

The Trempala patent has been combined with Kniffen et al and Levy. The Official Action states that the Trempala patent teaches a method of "simultaneously co-action between said primary and secondary keys for initializing opening/de-activation of said container and removable of the primary key from the container". The Official Action also refers to the Trempala patent as "analogous art" (See page 4, last paragraph of the Official Action dated December 12, 2007).

Applicant respectfully disagrees with the Examiner's conclusions regarding the Trempala patent. The Trempala patent is not "analogous art" to the security container disclosed and claimed by Applicant. On the contrary, it provides a method by which access to a structure, as for example, a burning house, is acquired by emergency personnel, such as a fire department, to combat the fire within the house. As stated at Col. 1, starting at line 46 of the Trempala et al specification:

"It is often desirable to afford emergency access to locked enclosures but only to those that are entitled to such access. For example, in the event that a locked warehouse catches fire, it is helpful for the fire department to gain access to the warehouse by having an access key locally available. This is arranged herein by providing in an adjacent public location a fixture for retaining an access key but making it virtually impossible for anyone, not authorized, to remove the access key from its holder. Key access is afforded by partially releasing the access key by use of another secondary key readily carried by a fireman and in addition by receipt at the primary, access key location of an electrical signal at the firehouse."

Accordingly, the disclosure of the Trempala patent has nothing whatsoever to do with security containers. It also does not teach or suggest a first access key having a first portion of a complete access code, and a second access key having a second portion of the complete access code, for simultaneously inputting both portions of the access code to open a security container without destroying the contents thereof. On the contrary, it is the objective of the Trempala patent to provide access to a burning structure for the purpose of saving, and not destroying, the contents therein. Moreover, the first and second keys of the Trempala patent do not include first and second portions of a complete access code. On the contrary, the first key merely provides access to a second key, and the second key provides access to the burning structure. Therefore, since the first key is necessary to gain access to the second key, and the second key is necessary to gain access to the burning structure, the two keys cannot be used simultaneously.

Thus, Trempala is not directed to security containers, has an objective exactly opposite to that as disclosed and claimed by Applicant, and fails to teach or suggest two significant features of Applicant's invention (providing two separate portions of an access code simultaneously from first and second keys) as positively recited in independent Claim 1.

Applicant respectfully submits that as a result of the diverse and contrary teachings of the Trempala patent, there is clearly no suggestion or motivation in the prior art itself, or within the knowledge of a person skilled in the relevant art, to combine this patent with the other two references applied to reject Applicant's independent Claim 1. Moreover, as noted above, each of the other two applied references omits a significant feature of Applicant's claimed method which is positively recited in independent Claim 1. Accordingly, since there is no suggestion or motivation to combine these references in the prior art itself, Applicant submits that the only basis for this combination of diverse references must be derived by the use of Applicant's own disclosure as a guide for selectively combining different features of three different prior art references for the purpose of hindsight reconstruction of independent Claim 1. However, it is well established that references may not be combined to reject a claim unless there is a motivation or suggestion in the prior art itself, or within the knowledge of a person skilled in the relevant art, to combine the references, even if all features of the claim are disclosed

separately in different prior art references. See, for example, Orthopedic Equipment Co. v. United States, 217 USPQ 193 (Fed. Cir. 1983); Micro-Chemical, Inc. v. Great Plains Chemical Co., Inc., 41 USPQ 2d 1238 (Fed. Cir. 1997); and In re Fritch, 23 USPQ 2d 1780 (Fed. Cir. 1992).

For the reasons discussed herein, Applicant respectfully submits that the independent method claim is allowable over the prior art applied in the final rejection. The remaining dependent claims, which depend directly or indirectly from independent Claim 1 and thus include all features of this claim, are allowable, at least for the same reasons as parent independent Claim 1. Applicant therefore submits that the present application is in condition for allowance, and favorable action is respectfully requested.

Enclosed is a Petition to extend the time for responding to the outstanding Official Action for two (2) additional months, through and including May 12, 2008. Also enclosed is the required fee for the requested two month extension of time.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark P. Stone', is written over the typed name.

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